

REMARKS

1. Summary of the Office Action

In the final Office Action mailed April 9, 2008, claims 1-14 and 16-19 were pending. Claims 1-14 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jordan et al. (US Patent No. 6,438,652), in view of Zisapel et al. (US Patent No. 6,665,702), in view of “Applicants Admitted Prior Art (AAPA),” in view of Primak et al. (US Publication No. 2001/0039585), and in view of Kapoor (US Patent No. 5,884,038).

2. Status of the Claims

Without conceding any arguments made in the Office Action not addressed herein, Applicants have amended the claims to more distinctly set forth Applicants’ invention. In particular, Applicants have cancelled claims 2-4, 7, 9, 11, 14-15, and 17-25. Applicants have also amended the remaining claims to recite elements not found in the cited references. Further, Applicants have added new claims 26-32. Of the currently pending claims, claims 1, 6, 8, 10, 13, and 26 are independent and all others are dependent.

3. Claim Rejections Under 35 U.S.C. § 103(a)

This present invention relates to load balancing. Specifically, a control node may be provided that balances the traffic load sent to proxies in a network. The control node may maintain information that assigns the traffic load to the proxies.

In one example of the present invention, a control node is coupled to a plurality of proxies. The control node may receive information from the plurality of proxies, maintain a list of all proxies, and assigns a weight to each of the proxies in the list, the weight based in part upon information received from the proxies. The control node may receive a request and use the

weights to assign a proxy. The request may then be forwarded to the selected proxy by the control node. (Applicants' Specification at p. 3, lines 4-13).

Applicants have amended independent claims 1, 6, and 8 to recite elements not present in the cited references. For example, claim 1 now recites elements of the control node determining a delay time for each proxy by "the control node transmitting an invalid SIP message to each of the downstream proxies in the plurality, the control node receiving a respective SIP response message from each of the downstream proxies in the plurality, and the control node calculating, as the delay time, a difference between the transmission of each invalid SIP message and the receiving of each corresponding SIP response message." The control node then assigns a weight to each proxy based on the proxy's respective delay time. Support for this amendment can be found in Applicants' specification on pages 8 and 9, in Figure 3, as well as generally throughout Applicants' specification. No new matter has been added.

Since the cited references do not teach the subject matter of this amendment, Applicants submit that independent claim 1 is now allowable. For similar reasons, independent claims 6 and 8 are also allowable. Additionally, Applicants further submit that dependent claims 5, 31, and 32 are also allowable for at least the reason that they depend from an allowable claim.

Applicants have also amended independent claims 10 and 13, and added new independent claim 26. Claims 10 and 26 recite, if a current call volume is below a threshold value, assigning the incoming calls to the first proxy and the second proxy based on a round robin protocol. But, if the current call volume is above the threshold value, the incoming calls to are assigned the first proxy and the second proxy based on their respective weights.

Claim 13 recites determining that call volume is above a threshold call load value and distributing a new call to a proxy of the plurality of proxies that has the lowest weight. Support

for these amendments can be found in Applicants' specification on page 10, lines 7-10, as well as generally throughout Applicants' specification. No new matter has been added.

Since the cited references do not teach the subject matter of this amendment, applicant submits that independent claims 10, 13, and 26 are now allowable. Additionally, Applicants further submit that dependent claims 12, 16, and 27-30 are also allowable for at least the reason that they depend from an allowable claim.

4. Summary

Applicants respectfully submit that, in view of the remarks above, the present application is in condition for allowance and solicit action to that end. If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-3361.

Respectfully submitted,

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